



City of Norfolk

Office of the City Manager

C: Dir., Planning & Community Development

July 18, 2006

To the Honorable Council
City of Norfolk, Virginia

Re: Special Exception – Terminus of River
Edge Road.

Ladies and Gentlemen:

I. **Recommended Action:**

The attached ordinance approves the request should it be the desire of Council.

II. **Overview**

This agenda item is to permit a Special Exception for a flag lot on property located at terminus of River Edge Road.

III. **Analysis**

A. **General**

In November of 2005, the applicant purchased this approximately 3.5 acre site from the City. Initially, the applicant was proposing to rezone the site to allow for an 18 unit multiple-family development.

The proposed subdivision creates nine-(9) lots. All nine-(9) lots exceed the minimum lot requirements of the district, particularly the flag lot. Additionally, the proposed subdivision allows each site, including the flag lot, to directly access the water. The addition of nine-(9) new single-family homes accessed by a new road build in accordance with City standards should not negatively impact this residential neighborhood.

Please note that the City Council, in July of last year, approved a recommendation from the Planning Commission to require a special exception to create a flag lot in any residential district.

The City Council, in considering these conditions, must also determine that the proposed Special Exception complies with each of the requirements of Section 25-7 of the Zoning Ordinance of the City of Norfolk. The requirements address compatibility with the objectives and policies of The General Plan of Norfolk, assurance against a negative impact on the value of other properties within the neighborhood, traffic congestion, impact on natural resources (water and air quality) and other conditions as noted in the attached ordinance.

It should be noted that violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

B. Fiscal
N/A

C. Environmental
N/A

D. Community Outreach/Notification
Notification for this item was done through the City of Norfolk's regular agenda notification process. In addition, the Poplar Hall residential neighborhood was sent a notice of the public hearing.

IV. Board/Commission Action

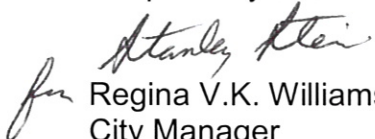
By a 7 to 0 vote, the Planning Commission unanimously recommends **approval** of this special exception to create a flag lot subject to the following condition:

- 1) The only use permitted on the flag lot shall be a one-family dwelling.

V. Conclusion

Approval of a special exception is required for the applicant to create a flag lot on this project. The attached ordinance approves the request should it be the desire of Council.

Respectfully submitted,

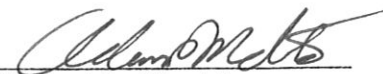

Regina V.K. Williams
City Manager

6/14/06 trr

Form and Correctness Approved:

Contents Approved:


By


Office of the City Attorney

NORFOLK, VIRGINIA

By

DEPT.



ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE CREATION OF A FLAG LOT ON PROPERTY LOCATED AT THE WESTERN TERMINUS OF RIVER EDGE ROAD.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the creation of a flag lot on property located at the western terminus of River Edge Road. The property which is the subject of this Special Exception is more fully described as follows:

Property approximately 3.5 acres in area and located at the western terminus of River Edge Road beginning 265 feet, more or less, from the western line of Red Mill Road and extending westwardly.

Section 2:- That the Special Exception granted hereby shall be subject to the following condition:

- (a) The only use permitted on the flag lot shall be a one-family dwelling.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is

located;

- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and

- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.



Inter Department Correspondence Sheet

TO: City Manager

FROM: City Planning Commission

COPIES TO:

SUBJECT: Application Special Exception (8 P.H. 25 May 2006)

PART 1: APPLICATION DESCRIPTION:

Nature of Application:

Special Exception: To create a flag lot

Location: Terminus of River Edge Road (Maps 1 and 2).

Applicant: William Fuller

Property Owner: River Edge Road, LLC

Description of proposed use:

In November of 2005 the applicant purchased this approximately 3.5 acre site from the City. Initially the applicant was proposing rezone the site to allow for an 18 unit multiple-family development.

That application has been withdrawn and the applicant is now proposing to develop under the existing R-6 (One-Family) District which allows single-family homes on lots with a minimum lot frontage of 75 feet and a minimum square footage of 7,500. The applicant is proposing to construct a new road extending from River Edge Road that would enter the site then 'T' to the north and south. The applicant then proposes to subdivide the property into 8 conforming lots and one flag lot on the southern most portion of the site fronting on Broad Creek.

In July of last year, City Council approved a recommendation from the Planning Commission to require a special exception to create a flag lot in any residential district.

Description of existing land use pattern:

The site is located in the Poplar Hall residential neighborhood which is predominantly developed with single-family homes.

PART 2: ANALYSIS/EVALUATION:

Prior Zoning History:

The Planning Commission has not recently considered any applications in the general vicinity.

Neighborhood Impact:

The site is located in a well-established residential neighborhood with many lots abutting the Broad Creek. Nine new homes accessed by a new road build in accordance with City standards would not negatively impact the neighborhood.

General Plan Impact:

The General Plan designates the area as low density residential. This proposal would be considered to be in conformance with the General Plan.

Zoning Impact:

The site is currently one 3.5 acre parcel. The applicant is proposing to subdivide the lots into 9 lots ranging from 7,553 square feet to 18,175 feet. A flag lot in this district is required to have a minimum of 20 feet of frontage and 10,750 total square feet. The proposed flag lot is the largest lot in the proposed subdivision at 18, 175 square feet.

This application is for a special exception, which acknowledges that while the use is generally permitted in the district, it is of such a character that careful scrutiny is needed to determine if it is appropriate in this specific location and, if so, under what conditions.

The Zoning Ordinance applies the following criteria for flag lots:

- (a) Where lots of unusual depths contain sufficient area to permit, by subdivision, the creation of more than one lot, one flag lot may be created.
- (b) A flag lot shall have a minimum of 20 feet of frontage on a public street. No portion of the flag lot shall measure less than 20 feet between the buildable area and the street property.
- (c) The minimum lot area of a flag lot shall not be less than 1.5 times the

- minimum lot area of the applicable district.
- (d) The required yards for a flag lot shall not be less than ten feet in width as measured from the interior property lines.
 - (e) The lot width for a flag lot shall not be less than the minimum lot width of the applicable district and shall be measured at the point of the required setback from the portion of the flag closest to the public street.

While the proposed flag lot meets the minimum square footage requirements for this zoning district, it does not meet the minimum lot frontage requirements of 20 feet.

If this Special Exception is granted, the applicant will also be required to go to the Board of Zoning Appeals for a variance on the minimum lot frontage requirements for the flag lot.

PART 3: RECOMMENDATION

The proposed subdivision creates 9 lots all which exceed the minimum lot requirements of the district, particularly the flag lot. Additionally, the proposed subdivision allows each site, including the flag lot, to directly access the water. The addition of 9 new single-family homes accessed by a new road build in accordance with City standards should not negatively impact this residential neighborhood.

The Planning Commission unanimously recommends (by a 7 to 0 vote) that this special exception to create a flag lot be approved subject to the following conditions:

- 1) The only use permitted on the flag lot shall be a one-family dwelling.
- 2) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- 3) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- 4) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- 5) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- 6) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 7) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- 8) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- 9) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- 10) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- 11) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- 12) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.
- 13) Violation of any provision or condition of this ordinance shall be punishable in accordance with the enforcement procedures set forth in Chapter 23 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended) and shall constitute grounds for revocation of this Special Exception.

MAPS:

1. Location and Zoning
2. Site
3. Site Plan

Property Description:

Property located at the western terminus of River Edge Road beginning 265 feet, more or less, from the western line of Red Mill Road and extending westwardly.

Proponents:

Robyn Thomas
420 West Bute Street
Norfolk, VA 23510

James Hazlet
617 Westcove Court
Norfolk, VA 23502

Opponents:

None



Stanley Stein
Acting Executive Secretary

Attachments

1. LOCATION AND ZONING
PROPOSED SPECIAL EXCEPTION

WILLIAM FULLER
River Edge Road



Planning Commission Public Hearing

May 25, 2006

Application 8

 Location

2. SITE

PROPOSED SPECIAL EXCEPTION

WILLIAM FULLER
River Edge Road



Planning Commission Public Hearing

May 25, 2006

Application 8

■ Location

